

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

SCHEDULING ORDER

v.

05-CR-155-C

BERNARDO GARCIA,

Defendant.

At the December 1, 2006 arraignment, this court set the following schedule:

- 1) The government has already provided its required disclosures and has a continuing disclosure obligation throughout this case. Pursuant to Rule 12, the government has proffered that it intends to use all disclosed evidence in its case-in-chief at trial.
- 2) Defendant must file and serve any pretrial motions and discovery requests not later than January 9, 2006. Briefs need not accompany the motions. If defendant wants an evidentiary hearing on a motion, then he must ask for it in the caption of each such motion and must provide a nonconjectural factual basis establishing a *prima facie* entitlement to the relief requested. *See United States v. Toro*, 359 F.3d 879, 885 (7th Cir. 2004).
- 3) The pretrial motion hearing and any evidentiary hearing shall be January 13, 2006 at 2:00 p.m. The court will rule on each motion or set it for briefing in consultation with the parties. Unless the court is taking evidence on a dispositive motion, defendant may waive his presence at the preliminary pretrial conference. A defense attorney located more

than 20 miles from the courthouse may, with the client's permission, request leave to appear telephonically. An attorney must make such a request not later than noon on the day before the conference.

4) Submissions for the final pretrial conference, namely proposed voir dire questions, jury instructions and motions *in limine* must be filed and served not later than February 8, 2006.

5) The final pretrial conference shall be February 10, 2006 at 11:30 a.m. Defendant may waive his presence at the final pretrial conference. A defense attorney located more than 20 miles from the courthouse may, with the client's permission, request leave to appear telephonically. An attorney must make such a request not later than noon on the day before the conference.

6) The final hearing before the trial judge shall be February 16, 2006, at 3:00 p.m. The defendant and trial counsel must attend this hearing.

7) Jury selection and trial shall begin at 9:00 a.m. on February 21, 2006. The predicted trial length is one to two days. The parties are jointly responsible for alerting the clerk of court forthwith if a jury need not be called.

Entered this 1st day of December, 2005.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge